THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.16493 of 2002

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Dated:22.11.2005

Between:

Idea Cellular Ltd, KLK Estate,

Fathe Maidan Road, Hyderabad,

Rep. By its Manager (legal)

K.A.V.Prasad.

..... PETITIONER

AND

The Joint Commissioner of Transport,

Khairatabad, Hyderabad, and another.

.....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.16493 of 2002

ORDER:

The petitioner-Company is engaged in the business of providing Cellular Mobile services. It has branches at various places in Andhra Pradesh with appropriate transmission installations at those places. The petitioner appears to have purchased Tata Sumo vehicles for the use of engineering staff to move around the State to attend the emergency maintenance works. These vehicles are intended for exclusive use of the Company staff and were registered as “LMV.OMINI” and are

categorized as Non-Transport vehicles. It is alleged that on 19.08.2002 when the officers and staff of the petitioner-Company were travelling in the vehicle bearing No.AP 8 AK 1534, the second respondent verified the documents at Vijayawada and in spite of being informed that the travelling persons were the staff of the petitioner-Company, the second respondent levied penalty of Rs.3,125/- on the ground that no tax was paid for being used as transport vehicle. This is assailed in this writ petition.

The learned counsel for the petitioner, the learned Assistant Government Pleader for Roads and Buildings brought to the notice of this Court the order of this Court dated 14.11.2005 in W.P.No.2960 of 2004 and batch. In the said case a submission was made on behalf of the Government that from 2004, Life Tax System was introduced and that the petitioners can avail the said facility. Indeed, the petitioner herein was also the petitioner in those batch of cases before this Court. Therefore, this Court disposed of the writ petitions with a direction to the respondent to consider the request of the petitioner for registration of the vehicles in question on payment of proportionate Life Tax as specified in the Statutory Rules.

Following the above order, this Writ Petition is also disposed of in the above terms directing the respondents to consider the request of the petitioner-Company for registration of its vehicle on payment of proportionate Life Tax as per the Statutory Rules. No costs.

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(V.V.S.RAO, J)

22.11.2005

vs